

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 21688 of 2007(F)

PETITIONER:

K. AHAMMEDKUTTY,
S/O. IMBICHI MAMMED HAJI,
KOLLATHODI HOUSE, MOORKKANAD,
MALAPPURAM DISTRICT.

BY ADV. SRIBABU S. NAIR
SRI.JIJO PAUL
SMT.DEEPTHI S.MENON
SRI.ABRAHAM SAMSON
SMT.M.T.SHEEBA

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
MALAPPURAM.
2. THE TAHSILDAR,
ERNAD TALUK, MAJERI,
MALAPPURAM DISTRICT.
3. THE VILLAGE OFFICER,
AREACODE VILLAGE,
MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13 /07 2007 , THE COURT ON 13/07/2007 DELIVERED THE
FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.21688 OF 2007

DATED THIS THE 13th DAY OF JULY, 2007

JUDGMENT

The petitioner complains of proceedings under the Kerala Land Conservancy Act and Rules without issuing proper notice to the petitioner, without hearing or without passing an order.

2. I have heard the learned Government Pleader also. The Kerala Land Conservancy Act prescribes procedure for evicting unauthorised occupation of Government land. It contemplates a notice, a hearing, and a reasoned order. That being so, the petitioner cannot be evicted except after complying with the said procedure.

Accordingly, I dispose of this writ petition directing the 2nd respondent to issue notice under the Kerala Land Conservancy Act to the petitioner and pass orders after affording an opportunity of being heard which shall include an opportunity to adduce evidence also. The order shall be a speaking order meeting the contentions of the petitioner on the basis of the evidence to be adduced by him. The petitioner shall not be evicted from the property in question until after seven days of passing such orders, so that if the petitioner is aggrieved by the order, he can move the Appellate Authority.

S. SIRI JAGAN, JUDGE

Acd

